

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

FREDY GAVIRIA, et al.,

Plaintiffs,

v.

COLUMBUS BAKERY, INC., et al.,

Defendants.

Civil Action No.: 11-6999 (JLL)

**O R D E R**

This matter comes before the Court by way of Plaintiffs' motion for default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2) [Docket Entry No. 35], and it appearing that:

1. Plaintiff's Complaint was filed with this Court on November 30, 2011. An Amended Complaint was filed on August 15, 2012.
2. A copy of the summons and Amended Complaint was served upon Defendants Thomas Yeboah, Charles Nyantaky, Richard Darko and Homestyle Bakery on December 14, 2012. See Docket Entry Nos. 25-28.
3. On March 25, 2013, default as to the foregoing Defendants was entered by the Clerk's Office.
4. Plaintiffs filed a motion for default judgment on March 19, 2013.
5. To date, the foregoing Defendants have failed to make an appearance in this matter and have failed to oppose Plaintiffs' motion for default judgment.
6. Default judgment is governed by Federal Rule of Civil Procedure 55. Rule 55(a) provides, in relevant part, as follows: "When a party against whom a

judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." Fed. R. Civ. P. 55(a). "Thereafter, the plaintiff may seek the Court's entry of default judgment under either Rule 55(b)(1) or Rule 55(b)(2)." Doug Brady, Inc. v. N.J. Bldg. Laborers Statewide Funds, 250 F.R.D. 171, 177 (D.N.J. 2008) (citation omitted). "The district court has the discretion to enter default judgment, although entry of default judgments is disfavored as decisions on the merits are preferred." Super 8 Motels, Inc. v. Kumar, No. 06-5231, 2008 WL 878426 (D.N.J. April 1, 2008) (citation omitted).

7. Having carefully considered Plaintiffs' *unopposed* motion for default judgment in conjunction with Plaintiffs' Amended Complaint, and for good cause shown,

**IT IS** on this 4<sup>th</sup> day of April, 2013,

**ORDERED** that Plaintiffs' motion for default judgment [Docket Entry No. 35] is **granted**; and it is further

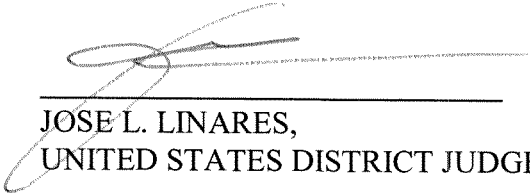
**ORDERED** that judgment is hereby entered in favor of Plaintiff Fredy Gaviria as against Defendants Homestyle Bakery, LLC (d/b/a Homestead Bakery), Richard Darko, Thomas Yeboah and Charles Nyantaky in the amount of \$1,920.00 (inclusive of compensatory damages and permissible liquidated damages, pursuant to 28 U.S.C. § 1961(a)); and it is further

**ORDERED** that judgment is hereby entered in favor of Plaintiff Jorge Acuna as against Defendants Homestyle Bakery, LLC (d/b/a Homestead Bakery), Richard Darko, Thomas Yeboah and

Charles Nyantaky in the amount of \$17,485.71 (inclusive of compensatory damages and permissible liquidated damages, pursuant to 28 U.S.C. § 1961(a)); and it is further

**ORDERED** that Plaintiffs are awarded attorneys' fees in the amount of \$42,423.24 and costs in the amount of \$422.10, pursuant to 28 U.S.C. § 1961(a).

**IT IS SO ORDERED.**



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JOSE L. LINARES,  
UNITED STATES DISTRICT JUDGE